[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

House of Representatives, 29th August, 1905.

Mr. Kidd.

AUCKLAND CEMETERY BRIDGE AND CITY BORROWING.

[LOCAL BILL.]

ANALYSIS.

Title.
Preamble.
1. Short Title.
2. Power of Council to erect bridge, &c.
3. Power to remove bodies.
4. City Council to reinter bodies in Waikomiti Cemetery.
5. Power to borrow.
6. Poll of ratepayers to be taken.
7. Sinking fund.
Schedule.

A BILL INTITULED

AN ACT to enable the Body corporate called "The Mayor, Councillors, and Citizens of the City of Auckland" (hereinafter called "the City Council") to erect and construct a Bridge over a Portion of the Symonds Street Cemetery, in the City of Auckland, and to maintain such Bridge when so erected, and when and if necessary for the Purposes of and in and about the Erection, Construction, and Maintenance of such Bridge, to disturb certain Graves in such Cemetery, and disinter the Bodies interred therein, and to remove and reinter such Bodies to and in the Waikomiti Cemetery; and also to borrow a Sum not exceeding Eight Thousand Pounds for the Purpose of completing the Refuse-destructor at Auckland aforesaid. Title.

WHEREAS it is expedient and to the advantage of the public that the City Council should, for the purpose of affording more speedy and convenient communication, passage, and transit between Symonds Street and Grafton Road, both in the City of Auckland, have the powers above referred to and hereinafter contained: And whereas the land described in the Schedule hereto is part of the Symonds Street Cemetery, in the said City of Auckland, and is likely to and may probably be affected by the erection, construction, and maintenance of a bridge leading from Symonds Street to Grafton Road, as above mentioned: And whereas the City Council did on or about the twenty-sixth day of August, one thousand nine hundred and one, under and in pursuance and exercise of the authority vested in it by "The Municipal Corporations Act, 1900," submit to the ratepayers of the City of Auckland, *inter alia*, a proposal to provide Preamble.

and erect a refuse-destructor, and, if required, to provide a new site therefor, and, to enable it so to do, to borrow a sum of ten thousand pounds at a rate of interest not exceeding four pounds per centum per annum: And whereas on the eleventh day of September, one thousand nine hundred and one, a poll of the ratepayers of the said City of Auckland was duly taken, and such proposal was carried: And whereas under and by virtue of "The Auckland City Borrowing Act Amendment Act, 1904," the City Council was authorised and empowered, *inter alia*, to borrow such sum of ten thousand pounds, or any part or parts thereof, at such rate of interest as they thought fit, not exceeding, however, the rate of four pounds ten shillings per centum per annum: And whereas the City Council was unable to get such refuse-destructor constructed and completed for such sum, and was obliged to and did enter into a contract for the erection of such refuse-destructor at a cost of sixteen thousand pounds: And whereas such refuse-destructor is now in course of erection and is almost completed, but cannot be fully completed unless at a cost of about eighteen thousand pounds: And whereas the City Council is unable to provide the balance of the cost of such refuse-destructor out of the ordinary revenue of the City of Auckland, and it is expedient that the City Council should be authorised and entitled to borrow a further sum not exceeding eight thousand pounds, at a rate of interest not exceeding four pounds ten shillings per centum per annum, for the purpose of providing the balance of such cost: And whereas owing to the undertaking and work of erecting such refuse-destructor having been commenced without any steps having been taken to obtain the consent of the ratepayers of the City of Auckland to a special loan, under the provisions of "The Local Bodies' Loans Act, 1901," and its amendments, for the said additional sum of not exceeding eight thousand pounds above mentioned, it is now impossible to submit to the consideration of the ratepayers of the City of Auckland the proposed undertaking in strict accordance with the provisions of the said last-mentioned Act:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Auckland Cemetery Bridge and City Borrowing Act, 1905."

Power of Council to erect bridge, &c.

2. The City Council is hereby fully authorised and empowered to erect and construct of such materials, size, and form, and after such construction to repair and maintain, a bridge, whether for pedestrian, vehicle, or tram-traffic, or any one or more of such purposes as the City Council shall think fit, in, over, and across any portion of the land described in the Schedule hereto, such land so described being portion of the land known as the Symonds Street Cemetery, in the City of Auckland, and in and about such erection, construction, repair, and maintenance to enter on and erect scaffolding or other structures upon the said land, and excavate in such land for the purpose of laying the foundations, piers, or supports of the said bridge, in, upon, and under such land, and to otherwise use the said land in any way as the City Council shall deem fit, for the purpose of erecting and constructing any such bridge as above is mentioned,

and keeping and maintaining the same in repair when erected; the said City Council in and about such work doing as little damage and injury to the said cemetery, and the graves and fences therein as possible.

Power to remove bodies.

3. The City Council is hereby expressly authorised and empowered, without any further authority or license than is by this Act conferred, and notwithstanding the provisions of sections fifty-eight and fifty-nine of "The Cemeteries Act, 1882," or any other Act or law relating to disinterments, to disinter and remove therefrom any bodies buried in that portion of the cemetery described in the Schedule hereto, and the disinterment and removal of which shall be deemed necessary by the City Council in and about the construction and erection of any such bridge; but so always that the City Council shall, in so far as is consistent with the objects of this Act, disturb as little as possible the graves in the portion of the Symonds-street Cemetery described in the Schedule hereto, and disinter and remove as few as possible of the bodies buried therein.

City Council to reinter bodies in Waikomiti Cemetery.

4. The City Council shall and will from time to time, within twenty-four hours of any disinterment and removal of a body under the powers conferred by section *three* hereof, provide a suitable burial-place and grave for such body in the Waikomiti Cemetery, of equal or greater size or area than that occupied by such body or enclosed by the fence surrounding the same, and decently and properly inter such body in such burial-place and grave, and replace on or around such grave any tombstone or fence attached to the original burial-place of such body; such removal, reinterment, and reinstatement to be done to the satisfaction in all things of the trustees of that part of the Symonds-street Cemetery from which the body was removed; and on demand by such trustees or any surviving relatives of the deceased issue therefor a certificate of purchase giving to such relatives the exclusive right of burial therein.

Power to borrow.

5. The City Council is hereby authorised and empowered to borrow a sum not exceeding eight thousand pounds, at such rate of interest as it thinks fit, not exceeding, however, the rate of four pounds ten shillings per centum per annum, upon obtaining the consent of the ratepayers of the City of Auckland as hereby expressly provided.

Poll of ratepayers to be taken.

6. Before any moneys shall be borrowed under this Act the City Council shall take a poll of the said ratepayers in manner provided by sections seven to eleven, inclusive, of "The Local Bodies' Loans Act, 1901" (hereinafter called "the said Act"), which Act and the amendments thereof are incorporated herein and shall be read herewith, *mutatis mutandis*, except that in subsection one of section eight of the said Act the words "engaged or" shall be inserted between the word "undertakings" and the word "proposed" where the same occur in such subsection; and the result of such poll shall be in favour of the proposal.

Sinking fund.

7. The City Council shall make provision for the payment of a sinking fund of at least one-half per centum per annum upon the amount of the said loan if raised, and such loan shall, in the event of the result of the poll above mentioned being in favour of the proposal, be raised and expended exclusively for the payment of the

additional cost of the works in connection with the erection, construction, and completion of the refuse-destructor above mentioned, including, however, such commissions, charges, and expenses (including the cost of obtaining this Act) as the City Council may determine to have been actually incurred in connection with such loan.

Schedule.

SCHEDULE.

Struck out.

ALL that piece or parcel of land, being portion of the Symonds Street Cemetery, in the City of Auckland, and being part of Section 15 of the said City. Bounded, commencing at a point 112 ft. south-west from a corner of Symonds Street, which corner is 202 ft. 6 in. south-west from the corner of Symonds Street and St. Martin's Lane; towards the north-east by other part of said cemetery in a line bearing 123° 46′, 519 ft. 6 in.; thence towards the south-east by part of Lot 34 of Allotment 13 of said Section 15 in a line bearing 241° 12′, 45 ft.; thence towards the south-west by other part of said cemetery in a line bearing 303° 46′, 493 ft.; and thence towards the north-west by Symonds Street aforesaid in a line bearing 25° 50′, 40 ft. 5 in.: be the said several admeasurements a little more or less.

New Schedule.

ALL that parcel of land in the Auckland District, being portion of Symonds Street Cemetery, in the City of Auckland, and being part of Section No. 15 of the said city. Bounded by a line commencing at a point on the eastern side of Symonds Street, distant 476·5 links south-westerly measured along the eastern side of Symonds Street from the corner of the said Symonds Street and St. Martin's Lane, and proceeding thence in a south-easterly direction bearing south 56° 14′ east for a distance of 787·1 links to the north-western boundary-line of the said part of Lot 34 for a distance of 68·2 links; thence north-westerly bearing north 56° 14′ west for a distance of 746·9 links to the eastern side of Symonds Street; and thence north-easterly along the eastern side of Symonds Street for a distance of 61·2 links to the commencing-point: be all the aforesaid linkages a little more or less.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1905.